

§§1-4
C.52:27D-132.2
to 52:27D-132.5
§§6,7
C.45:22A-44.2
and 45:22A-44.3
§8
C.45:22A-45a
§9
C.45:22A-43.1
§10
C.45:22A-47.1

P.L. 2023, CHAPTER 214, *approved January 8, 2024*
Senate. No. 2760 (*Fourth Reprint*)

CORRECTED COPY

1 AN ACT concerning structural integrity regulation for certain
2 residential structures, supplementing P.L.1975, c.217 (C.52:27D-
3 119 et seq.), and amending and supplementing P.L.1977, c.419.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. (New section) The Legislature finds and declares that:
9 a. The importance of the structural integrity of residential
10 buildings in New Jersey has become a growing concern for many,
11 especially in the wake of the tragic collapse of a high-rise,
12 multifamily housing structure in Florida.

13 b. In light of these growing concerns, it is appropriate for the
14 Legislature to put in place appropriate procedures for inspecting,
15 evaluating and maintaining the structural integrity of certain
16 residential housing structures within this State.

17
18 2. (New section) As used in this P.L. , c. (C.) (pending
19 before the Legislature as this bill):

20 ²“Balcony” means an extension of the interior living space of the
21 building that extends outwards from the facade of a covered building
22 and is exposed to the elements.²

23 “Bureau” means the Bureau of Housing Inspection in the
24 Department of Community Affairs.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCU committee amendments adopted September 29, 2022.

²Senate SBA committee amendments adopted June 12, 2023.

³Senate floor amendments adopted December 11, 2023.

⁴Assembly floor amendments adopted December 21, 2023.

1 “Corrective maintenance” means maintenance to be undertaken
2 following the detection of deterioration of the primary load bearing
3 system with the goal of remediating the condition reported by the
4 structural inspector.

5 “Covered building” means a residential ²condominium or
6 cooperative² building that ²[is categorized as use group R-1 or use
7 group R-2, as those terms are defined in N.J.A.C.5:70-1.5, having] has
8 a primary² load bearing ²system that is comprised of a² concrete,
9 masonry, steel, ²or² hybrid structure including, ²[but not limited to]
10 without limitation², heavy timber ²[.]² and a building with podium
11 decks ², but not including an excluded structure².

12 “Covered building owner” means the owner of a covered building,
13 whose name appears of record with the county clerk or register, or the
14 association of a common interest community.

15 ²“Excluded structure” means:

16 (1) International Standardization Organization ISO type 1
17 construction or frame-built construction with combustible walls or
18 roofs, but not including a podium deck on which the frame-built
19 construction is situated;

20 (2) a building with ancillary elements that are not part of the primary
21 load bearing system such as, but not limited to elevator shafts or
22 concrete, masonry, steel or heavy timber that the primary load bearing
23 system does not deliver a building’s load to the foundation;

24 (3) a building that is not a condominium or cooperative, and consists
25 primarily of rental dwellings; or

26 (4) a single-family dwelling.

27 “Podium deck” means a structural slab or deck that transfers applied
28 loads from the structure above to the structure below.²

29 “Primary load bearing system” means the assemblage of structural
30 components within a building ²comprised of columns, beams, or
31 bracing² that by contiguous interconnection form a path by which
32 external and internal forces applied to the building are delivered to the
33 ²[ground] foundation. The foundation as well as any connected or
34 attached balconies shall be included as part of the primary load bearing
35 system evaluation².

36 “Structural inspector” means:

37 (1) a construction official, as that term is used in section 8 of
38 P.L.1975, c.217 (C.52:27D-126), who is also an engineer licensed by
39 the State;

40 (2) an employee of the bureau who is also an engineer licensed by
41 the State; or

42 (3) an engineer licensed by the State ¹who has the same
43 qualifications required of an engineer under contract with the enforcing
44 agency¹ with whom the covered building owner ¹[, enforcing agency,
45 or bureau]¹ contracts to perform inspections of covered buildings under

1 ⁴[sections] section⁴ 3 ⁴[and 4]⁴ of P.L. , c. (⁴[C. and]⁴
2 C.) (pending before the Legislature as this bill).

3
4 ⁴[3.(New section) a. When a construction application that
5 proposes to create, amend, or modify the primary load bearing system
6 ²[of a covered building]² is filed with the enforcing agency ², the
7 construction permit applicant shall state whether the residential
8 building will be a condominium or cooperative, in which case², prior
9 to issuing a construction permit, the enforcing agency shall consult
10 with a structural inspector ²designated by the construction permit
11 applicant or, in the absence of this designation,² chosen by the
12 enforcing agency ²[or covered building owner] ², ² and set forth an
13 inspection schedule to confirm that the primary load bearing system
14 conforms to the building plans submitted by the applicant.
15 Inspection, however, shall not be required pursuant to this subsection
16 as a condition of construction permit issuance if the structural
17 inspector determines that the building is not a covered building. ²If
18 the construction permit applicant does not state at the time of
19 application, or prior to the first occupancy creating a condominium
20 or cooperative, that the building shall be a condominium or
21 cooperative, then no certificate of occupancy shall be issued for any
22 individual unit in the building until the required inspections of the
23 primary load bearing system have occurred.²

24 b. Inspections conducted pursuant to the schedule set forth in
25 subsection a. of this section shall be performed under the direction of
26 a construction structural inspector. The construction structural
27 inspector may be assisted by other licensed professionals qualified in
28 various special disciplines, including but not limited to geotechnical
29 and civil engineering practices, as needed to conduct the structural
30 inspections required by this section.

31 c. In conducting inspections pursuant to subsections a. and b. of
32 this section, the construction structural inspector shall review the
33 construction plans submitted with the construction application, and
34 issue a written report determining whether the primary load bearing
35 system conforms to the building plans. If the construction structural
36 inspector determines that the primary load bearing system is not in
37 conformance with the building plans, the applicant shall provide
38 additional plans which show conformance with a modification to the
39 primary load bearing system. No certificate of occupancy shall be
40 issued pursuant to section 15 of P.L.1975, c.217 (C.52:27D-133),
41 until the structural inspector issues a written report which confirms
42 that the construction of the primary load bearing system of the
43 building is in conformance with the approved construction plans.

44 d. The creation of, or repair, renovation, alteration, or
45 modification to the primary load bearing system of a covered
46 building required pursuant to any inspection shall be conducted by a
47 construction structural inspector prior to the issuance of a certificate

1 of occupancy required pursuant to section 15 of P.L.1975, c.217
2 (C.52:27D-133).

3 e. Any additional cost to the enforcing agency incurred as a
4 result of inspections made under this section shall be recovered
5 through a fee associated with the construction application of a
6 covered building which shall be paid by the covered building owner
7 during the application process.

8 f. The commissioner shall adopt rules and regulations, pursuant
9 to the provisions of the "Administrative Procedure Act," P.L.1968,
10 c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this
11 section.]⁴

12

13 ⁴[4.] ³ (New section) a. Following the issuance of a
14 certificate of occupancy, an initial structural inspection of the
15 building components forming the primary load bearing system of a
16 covered building shall be undertaken by a post-occupancy structural
17 inspector retained by the covered building owner within the earlier
18 of:

19 (1) 15 years of the date on which the covered building receives a
20 certificate of occupancy pursuant to section 15 of P.L.1975, c.217
21 (C.52:27D-133); or

22 (2) 60 days after observable damage to the primary load bearing
23 system.

24 ²b.² If a covered building has received a certificate of occupancy
25 pursuant to section 15 of P.L.1975, c.217 (C.52:27D-133) prior to the
26 effective date of P.L. , c. (C.) (pending before the Legislature
27 as this bill), then an initial structural inspection shall be undertaken
28 by a structural inspector ²[within two years of] based on the number
29 of years the certificate of occupancy preceded² the effective date of
30 P.L. , c. (C.) (pending before the Legislature as this bill) ²,
31 as provided in this subsection. If the certificate of occupancy was
32 provided:

33 (1) one day to ³[five] ¹⁴ years ³and 364 days³ prior to the
34 effective date of P.L. , c. (C.) (pending before the Legislature
35 as this bill), then the structural inspection shall occur within ³[six
36 years following the effective date of P.L. , c. (C.) (pending
37 before the Legislature as this bill)] one year of the date 15 years
38 following the date of the issuance of the certificate of occupancy³ ;
39 ³or³

40 (2) ³[five years and one day to ten years.] ³15 or more years³ prior
41 to the effective date of P.L. , c. (C.) (pending before the
42 Legislature as this bill), then the structural inspection shall occur
43 within ³[four] two³ years following the effective date of P.L. , c.
44 (C.) (pending before the Legislature as this bill) ³[; or

45 (3) ten years and one day or longer prior to the effective date of
46 P.L. , c. (C.) (pending before the Legislature as this bill),

1 then the structural inspection shall occur within two years following
 2 the effective date of P.L. , c. (C.) (pending before the
 3 Legislature as this bill)]³.

4 c. A building that ³[is proposed to be] has been³ converted to a
 5 condominium or cooperative form of ownership after the effective
 6 date of P.L. , c. (C.) (pending before the Legislature as this
 7 bill) shall, as part of the process of registering the project pursuant to
 8 the “Planned Real Estate Development Full Disclosure Act,”
 9 P.L.1977, c.419 (C.45:22A-21 et seq.) and the regulations
 10 promulgated thereunder, be required to ³[have an inspection of the
 11 primary load bearing system conducted in in conformity with
 12 subsections d., e., and f. of this section, and a copy of the written
 13 inspection shall be included in the project’s public offering
 14 statement²] follow the schedule of inspections provided in
 15 paragraphs (1) and (2) of subsection b. of this section³.

16 ²[b.] d.² After the post-occupancy structural inspector has
 17 performed an inspection pursuant to subsection a. of this section, the
 18 post-occupancy structural inspector shall issue a written report
 19 describing the condition of the primary load bearing system. The
 20 post-occupancy structural inspection report shall:

21 (1) set forth with specificity any required maintenance or repairs
 22 needed by the primary load bearing system;

23 (2) determine when the next inspection of the primary load
 24 bearing system shall be performed, but in no event shall a secondary
 25 inspection occur more than the earlier of: (a) 10 years after the initial
 26 inspection has taken place; or (b) not more than 60 days after there is
 27 observable damage to the primary load bearing system;

28 (3) be provided to the municipal appointing authority, the
 29 construction official and the enforcing agency;

30 (4) be prepared in accordance with the protocol established by the
 31 American Society of Civil Engineers, for the structural condition
 32 assessment of a covered building or a similar protocol by another
 33 nationally recognized structural engineering organization; and

34 (5) provide any other information or guidance necessary to
 35 maintain the structural integrity of a covered building.

36 ²[c.] e.² If the structural inspector’s report created pursuant to
 37 subsection ²[b.] d.² of this section finds that corrective maintenance
 38 of the primary load bearing system is required, the report shall
 39 specify with reasonable detail the required corrective maintenance.

40 ²[d.] f.² Notwithstanding the structural inspector’s initial
 41 inspection and report undertaken pursuant to subsections a. through
 42 ²[c.] e.² of this section, subsequent structural inspections and reports
 43 shall be provided for as set forth by the structural inspector’s
 44 preceding report as follows:

45 (1) The structural inspector ³[will] shall³ determine a reasonable
 46 period of time within which the next inspection shall take place

1 provided, however, that any subsequent inspection under this
2 paragraph shall not take place ³]:

3 (a) more than 10 years after a preceding inspection during the
4 first 20 years following issuance of a certificate of occupancy of a
5 covered building; or

6 (b) ³ more than five years after a preceding inspection ³[if the
7 covered building is more than 20 years old] ³.

8 (2) The structural inspector shall review the preceding inspection
9 report prior to undertaking subsequent inspection of the covered
10 building. After the structural inspector completes this review and
11 inspection, the structural inspector will then issue a subsequent
12 inspection report which shall:

13 (a) make note of any new or progressive deterioration;

14 (b) set forth the covered maintenance required to address any new
15 or progressive deterioration; and

16 (c) be provided to the covered building owner, who shall
17 undertake measures necessary to effectuate the covered maintenance,
18 including, but not limited to, engaging the services of an architect or
19 engineer licensed by the State and qualified in structural repairs or
20 maintenance to create plans or specifications to implement the
21 covered maintenance. The covered building owner shall cause any
22 plans or specifications created pursuant to this subparagraph to be
23 filed with the municipal appointing authority or enforcing agency.

24 (3) If the post-occupancy structural inspector's inspection finds
25 that there is no need for corrective maintenance, the written report
26 shall be filed with the enforcing agency or municipal appointing
27 authority.

28 (4) Any written reports issued by the post-occupancy structural
29 inspector pursuant to this section shall be provided to the covered
30 building's owner and shall be made available to any resident of a
31 covered building upon request.

32 ²[e.] ²g. Inspections conducted pursuant to this section may be
33 conducted in conjunction with other required inspections, including
34 but not limited to inspections required pursuant to the "Hotel and
35 Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.).
36

37 ⁴[5.] ⁴4. (New section) A ⁴[construction or] ⁴ post-occupancy
38 structural inspector who performs the duties set forth in ⁴[sections]
39 ⁴section ⁴3 ⁴[and 4] ⁴ of P.L. , c. (⁴[C. and] ⁴ C.)
40 (pending before the Legislature as this bill) in good faith and pursuant
41 to the protocols adopted by the American Society of Civil Engineers,
42 or similar protocols by another nationally recognized structural
43 engineering association, shall not incur any civil liability for injury
44 associated with any inspection undertaken by the structural inspector.
45

46 ⁴[6.] ⁴5. Section 6 of P.L.1977, c. 419 (C.45:22A-26) is amended
47 to read:

1 6. a. Unless otherwise exempted:

2 (1) No developer may offer or dispose of any interest in a planned
3 real estate development, prior to the registration of such development
4 with the agency.

5 (2) No developer may dispose of any lot, parcel, unit, or interest in
6 a planned real estate development, unless he: delivers to the purchaser
7 a current public offering statement, on or before the contract date of
8 such disposition.

9 b. Any contract or agreement for the purchase of any parcel, lot,
10 unit, or interest in a planned real estate development may be canceled
11 without cause by the purchaser by sending or delivering written notice
12 of cancellation by midnight of the seventh calendar day following the
13 day on which the purchaser has executed such contract or agreement.
14 Every such contract or agreement shall contain, in writing, the following
15 notice in 10-point bold type or larger, directly above the space provided
16 for the signature of the purchaser:

17 "NOTICE TO THE PURCHASER: you have the right to cancel
18 this contract by sending or delivering written notice of cancellation to
19 the developer by midnight of the seventh calendar day following the day
20 on which it was executed. Such cancellation is without penalty, and any
21 deposit made by you shall be promptly refunded in its entirety."

22 c. Notice as required in subsection b. shall, in addition to all other
23 requirements, be conspicuously located and simply stated in the public
24 offering statement.

25 d. The developer shall make copies of the public offering statement
26 freely available to prospective purchasers prior to the contract date of
27 disposition.

28 e. The developer shall make copies of any written report or
29 document prepared pursuant to sections 3 ⁴[, 4,]⁴ or ⁴[10] ⁹4
30 of P.L. , c. (C. ⁴[, C. ,]⁴ or C.) (pending before the
31 Legislature as this bill) available to prospective purchasers prior to the
32 contract date of disposition.

33 (cf: P.L.1977, c.419, s.6)

34

35 ⁴[7.] ⁶4 (New section) a. Any association ²[created pursuant to
36 P.L.1977, c.419 (C.45:22A-21 et seq.)] of a planned real estate
37 development² shall undertake and fund a capital reserve study which
38 shall determine or assess the adequacy of the association's capital
39 reserve funds to meet the anticipated costs of replacement or repair of
40 the capital assets of a common interest community that the association
41 is obligated to maintain. All capital reserve studies shall be prepared in
42 conformity with the latest edition of the National Reserve Study
43 Standards of the Community Associations Institute or similar standards
44 by another recognized national organization. A capital reserve study
45 conducted pursuant to this section shall be performed or overseen by a
46 reserve specialist who is credentialed through the ²[Association of
47 Professional Reserve Analysts] Community Associations Institute² or

- 1 an engineer or architect who is licensed by the State and shall include,
2 but be not limited to, the following:
- 3 (1) the association's capital reserve fund balances;
 - 4 (2) the association's anticipated income and expenses;
 - 5 (3) an analysis of the physical status and of the common area
6 components of the buildings and other common areas that the
7 association is obligated to maintain;
 - 8 (4) the anticipated costs associated with the building maintenance,
9 as well as the anticipated costs of repair or replacement of common area
10 building components, which are necessary to maintain the structural
11 integrity of the buildings and other common area components that the
12 association is obligated to maintain;
 - 13 (5) a reasonable estimate of the cost of ²;
14 (a) future reserve studies ²[or] ;
15 (b) reserve study² updates ²; and
16 (c) periodic structural inspections required pursuant to section ⁴[4]
17 3⁴ of P.L. , c. (C.) (pending before the Legislature as this bill²;
18 (6) a reasonable estimate of the costs associated with implementing
19 any corrective maintenance deemed necessary pursuant to section ⁴[4]
20 3⁴ of P.L. , c. (C.) (pending before the Legislature as this bill);
21 (7) a proposed 30-year funding plan, as described in section ⁴[8] 7⁴
22 of P.L. , c. (C.) (pending before the Legislature as this bill) that
23 establishes the adequate proposed capital reserve funding over a 30-year
24 time period; and
25 (8) any other information necessary to perform an analysis of the
26 adequacy of the association's capital reserve funds relative to
27 maintaining the structural integrity of buildings and common areas
28 which the association is obligated to maintain.
- 29 b. Associations which have not undertaken a reserve study within
30 five years of the effective date of P.L. , c. (C.) (pending before
31 the Legislature as this bill) shall undertake a reserve study within one
32 year of the effective date of P.L. , c. (C.) (pending before the
33 Legislature as this bill). Associations formed after the effective date of
34 P.L. , c. (C.) (pending before the Legislature as this bill) shall
35 undertake a reserve study as soon as practicable after the election of a
36 majority of an executive board pursuant to section 5 of P.L.1983, c.30
37 (C.45:22A-47), but in no event shall such study be undertaken more
38 than two years following the election of a majority of the executive
39 board under section 5 of P.L.1983, c.30 (C.45:22A-47).
- 40 c. A covered building owner ², as defined in section 2 of
41 P.L. , c. (C.) (pending before the Legislature as this bill),² shall
42 ensure that a capital reserve study conducted pursuant to this section
43 shall be reviewed by a licensed architect, engineer, or credentialed
44 reserve specialist, and that a capital reserve study be conducted and
45 reviewed at least once every five years.

1 d. This section shall not apply to an association ²[created pursuant
2 to P.L.1977, c.419 (C.45:22A-21 et seq.)] of a planned real estate
3 development² with less than \$25,000 in total common area capital
4 assets.

5
6 ⁴[~~8.~~] 7.⁴ (New section) a. An association ²[created pursuant to
7 P.L.1977, c.419 (C.45:22A-21 et seq.)] of a planned real estate
8 development² shall obtain a reserve study including a 30-year funding
9 plan in order to ensure that the association has adequate reserve funds
10 available to repair or replace the capital assets located on the common
11 elements and facilities that the association is obligated to maintain
12 without need to create a special assessment or loan obligation, except
13 that in those cases in which a capital asset reaches the end of its
14 established useful life earlier than predicted by the reserve study,
15 nothing herein is intended to prevent the imposition of a special
16 assessment or obtaining a loan. These reserve funds shall be used for
17 the repair or replacement of components that have reached the end of
18 their established useful life as set forth in the most recent reserve study
19 undertaken pursuant to section ⁴[~~7~~] 6⁴ of P.L. , c. (C.) (pending
20 before the Legislature as this bill).

21 b. When an expenditure of the reserve funds is required to repair
22 or replace a component pursuant to subsection a. of this section, the
23 association shall use only the amount of reserve funds allocated by the
24 reserve study to make such repair or replacement, unless:

25 (1) the use of such additional funds from the reserve fund is not
26 reasonably anticipated to prevent or interfere with the ability of the
27 association to undertake additional repairs or replacements in the five
28 years subsequent to the additional expenditure; and

29 (2) the association's executive board adopts a written resolution
30 requiring that the expenditure of these additional funds shall be
31 recovered within the following ²[~~three~~] five² fiscal years.

32 c. If an association existing as of the effective date of P.L. , c.
33 (C.) (pending before the Legislature as this bill) does not have an
34 adequate reserve fund as described in subsection a. of this section, and
35 the increase in the association's budget line item for reserve funding to
36 render it adequate as set forth in the reserve study would, without
37 reference to any other budget line item adjustments, require an increase
38 of more than 10 percent of the previous year's common expense
39 assessment, the deficiency shall be made adequate within the ²earlier of
40 the² following ²[~~five~~] 10² fiscal years, ²[~~provided that each~~] or the
41 projected date predicted by the reserve study by which absent increased
42 funding, the balance in the association's reserve account would fall
43 below zero. In either case, the² annual increase in reserve funding
44 during the ²[~~following five fiscal years~~] required period of time² shall
45 be an equal annual line item increase in the reserve fund until the reserve

1 fund is made adequate, notwithstanding causing an increase of more
 2 than 10 percent in the annual common expense assessment.
 3 d. If an association existing as of the effective date of P.L. , c.
 4 (C.) (pending before the Legislature as this bill) does not have an
 5 adequate reserve fund as described in subsection a. of this section, and
 6 the increase in the association's budget line item for reserve funding to
 7 render it in conformity with the reserve study would, without reference
 8 to any other item adjustments, require an increase of less than 10 percent
 9 of the previous year's common expense assessment, the deficiency shall
 10 be made adequate within the following two fiscal years.
 11

12 ⁴[9.] 8.⁴ (New section) a. Notwithstanding the terms of a
 13 declaration, master deed, bylaws, or other governing document of an
 14 association, the executive board may, without the consent of the owners
 15 or approval of a developer selling units in the planned real estate
 16 development, adopt an assessment payable by the owners over one or
 17 more fiscal years or obtain a loan on such terms as the board determines
 18 are reasonable, whenever necessary to fund the cost of corrective
 19 maintenance of the primary load bearing system of the planned real
 20 estate development pursuant to section ⁴[4] 3⁴
 21 of P.L. , c. (C.) (pending before the Legislature as this bill).
 22 Prior to adopting an assessment or obtaining a loan under this section,
 23 the executive board shall make a determination that the assessment or
 24 loan are necessary to maintain structural integrity of a building and shall
 25 obtain a written report from an engineer or architect licensed by the
 26 State that states that the failure to undertake corrective maintenance of
 27 the primary load bearing system will:

28 (1) constitute an imminent or reasonably foreseeable hazard to
 29 health or safety;

30 (2) constitute a violation of ⁴[sections] section⁴ 3 ⁴[and 4]⁴ of
 31 P.L. , c. (⁴[C. and]⁴ C.) (pending before the Legislature
 32 as this bill), or

33 (3) will result in a material increase in the cost of such corrective
 34 maintenance if delayed.

35 b. Nothing in this section shall prevent or interfere with the right of
 36 an association to pursue a lawsuit concerning claims for construction
 37 defects related to any common element of the planned real estate
 38 development.
 39

40 ⁴[10.] 9.⁴ (New section) The developer shall prepare a document
 41 which sets forth the preventative maintenance tasks to be undertaken
 42 by the association over the life of the common area components. This
 43 preventive maintenance document shall provide the maintenance
 44 schedule and timing for preventive maintenance, including, but not
 45 limited to, periodic inspections of the structural components of the
 46 buildings or common areas which the association is obligated to
 47 maintain. The developer shall include within the budget prepared in

1 accordance with the rules and regulations adopted pursuant to section
2 15 of P.L.1977, c.419 (C.45:22A-35) all operating expenses
3 associated with the preventative maintenance set forth in the
4 preventative maintenance document prepared pursuant to this
5 section. The preventative maintenance document shall be updated at
6 the completion of any structural inspections performed pursuant to
7 ⁴[section 3 of] ⁴P.L. , c. (C.) (pending before the Legislature
8 as this bill) in order to reflect and address any required corrective
9 maintenance.

10
11 ⁴[11.] 10.⁴ (New section) Within 60 days after the conveyance of
12 75 percent of the lots, parcels, units or interests, the developer shall
13 relinquish control of the association, and the unit owners shall accept
14 control, as required by section 5 of P.L.1993, c.30 (C.45:22A-47). At
15 that time, the developer shall also deliver to the association all property
16 of the unit owners and of the association held or controlled by the
17 developer, including, but not limited to, the following items, if
18 applicable, as to each lot, parcel, unit or interest operated by the
19 association:

20 a. A photocopy of the recorded master deed or declaration and all
21 amendments thereto, certified by affidavit of the developer, or an officer
22 or agent of the developer, as being a complete copy of the actual master
23 deed.

24 b. A certified copy of the association's articles of incorporation, or
25 if not incorporated, then copies of the documents creating the
26 association.

27 c. A copy of the bylaws and all amendments thereto, certified by
28 affidavit of the developer, or an officer or agent of the developer, as
29 being a complete copy of the bylaws.

30 d. A preventative maintenance document or manual created by the
31 developer pursuant to section ⁴[10] 9⁴ of P.L. , c. (C.) (pending
32 before the Legislature as this bill) which sets forth a schedule for
33 monitoring on a periodic basis the structural integrity of the buildings'
34 primary load bearing system.

35 e. The minute books, including all minutes, and other books and
36 records of the association, if any.

37 f. Any house rules and regulations which have been promulgated.

38 g. Resignations of officers and members of the governing board or
39 other form of administration who are required to resign because the
40 developer is required to relinquish control of the association.

41 h. An accounting for all association funds, including capital
42 accounts and contributions as of the date of the election of a majority of
43 the executive board members.

44 i. Association funds or control thereof.

45 j. All tangible personal property that is property of the association,
46 represented by the developer to be part of the common elements or

- 1 ostensibly part of the common elements, and an inventory of that
2 property.
- 3 k. A copy of the plans and specifications utilized in the construction
4 or remodeling of improvements and the supplying of equipment to the
5 planned real estate development, including plans setting forth all field
6 changes impacting any component of the primary load bearing system
7 and in the construction and installation of all mechanical components
8 serving the improvements and the site, with a certificate in affidavit
9 form of the developer, his agent, or an architect or engineer authorized
10 to practice in this State that such plans and specifications represent, to
11 the best of their knowledge and belief, the actual plans and
12 specifications utilized in the construction and improvement of the
13 condominium property and for the construction and installation of the
14 mechanical components serving the improvements.
- 15 l. Insurance policies.
- 16 m. Copies of any certificates of occupancy which may have been
17 issued for the planned real estate development property.
- 18 n. Any other permits issued by governmental bodies applicable to
19 the planned real estate development property in force or issued within
20 one year prior to the date the unit owners other than the developer take
21 control of the association.
- 22 o. All written warranties of the contractor, subcontractors,
23 suppliers, and manufacturers, if any, that are still effective.
- 24 p. A roster of unit owners and their addresses and telephone
25 numbers, if known, as shown on the developer's records.
- 26 q. Leases of the common elements and other leases to which the
27 association is a party.
- 28 r. Employment contracts, management contracts, maintenance
29 contracts, contracts for the supply of equipment or materials, and service
30 contracts in which the association is one of the contracting parties and
31 maintenance contracts and service contracts in which the association or
32 the unit owners have an obligation or responsibility, directly or
33 indirectly, to pay some or all of the fee or charge of the person or persons
34 performing the service.
- 35 s. All other contracts to which the association is a party.

36
37 ⁴[12.] 11.⁴ This act shall take effect immediately.

38
39 _____
40
41 Concerns structural integrity regulations for certain residential
42 buildings.